

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**NORMAN GOLDSMITH,**

**Plaintiff,**

**v.**

**3:16-CV-00952**

**(JUDGE MARIANI)**

**FRANKLIN COUNTY, et al.,**

**Defendants.**

**ORDER**

AND NOW, THIS 10<sup>th</sup> DAY OF FEBRUARY, 2016, upon review of

Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 24) for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 24) is **ADOPTED** for the reasons stated therein.
2. The Motion to Dismiss Plaintiff's Amended Complaint filed by Defendants Samples, Weaver, Shaeffer, Snodgrass, Meckley, Mills, and Miller (hereinafter "Correctional Defendants") and Franklin County (Doc. 15) is **GRANTED IN PART**

**AND DENIED IN PART:**

- a. Plaintiff's municipal liability claim against Defendant Franklin County is **DISMISSED**.
- b. The Correctional Defendants are **DISMISSED** in their official capacities.
- c. The Correctional Defendants' motion to dismiss Plaintiff's Eighth Amendment claim of medical deliberate indifference is **GRANTED**.

d. The Correctional Defendants' motion to dismiss Plaintiff's Eighth Amendment claim of excessive force is **DENIED**.

3. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.



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Robert D. Mariani  
United States District Judge